REMARKS/ARGUMENTS

Applicants acknowledge receipt of the Notice of Non-Compliant Amendment dated November 2, 2006 for the claim amendment filed in the Response dated October 24, 2006 in reply to the Non-Final Office Action dated June 27, 2006..

Believing that the issues raised in the Notice of Non-Compliant Amendment have been addressed and resolved, The remainder of these remarks are now focused on the Office Action mailed June 27, 2006 and issues raised therein. In the June 27, 2006 Office Action, the Examiner has indicated that Claims 8 and 13 contain allowable subject matter and rejected all the remaining claims. In response, Applicants have amended Claims 8 and 13 to be in independent form so as to be completely in allowable form and added the subject matter from Claim 9 into all the remaining independent claims. Claim 9 has been canceled.

Status of Claims

Claims 1-8 and 10 -42 remain pending.

Claims 1, 8, 13, 28 and 37 have been amended and such amendments are newly presented in this response.

Claims 2-7, 10-12, 14-27, 29-36 and 38-42 remain as originally filed.

Claim 9 has been canceled.

Remarks

Moore (US 6,583,186) and Davis (US 5,378,348)

Claim 1 and most of its dependent claims were rejected as being unpatentable over Moore in view of Davis. Applicant does not quarrel with the Examiner's broad characterization of these references. However, it should be noted that the Examiner is relying on Davis' teaching of flashing off light naphtha from a hydroisomerizer 16 and directing it to a second hydrotreater

15 where a light fraction is also being treated. While the Applicant understands the nuance in the patent law that leads the Examiner to assert this type of rejection, the arrangement that results from the proposed combination of these references is clearly distinct from the present invention as viewed by the reasonable artisan. Moreover, these references do not include any teaching of the step of hydroprocessing the synthesized hydrocarbon stream prior to it being separated into the three fractions. This was previously set forth in Claim 9

Hamner (US 4,943,672)

Claim 9 was rejected as being unpatentable over Moore in view of Davis as applied to Claim 1 and further in view of Hamner. The Examiner relies on Hamner for the teaching of hydroprocessing prior to fractionation. However, Hamner is focused on creating lube base stock. It describes the need for severe hydrotreating. Moore and Davis relate to middle distillate fuel production. Each of Moore and Davis are complete systems. They do not suggest that their systems are awaiting other technology to be suitable for use. Quite frankly, Hamner pre-exists both Moore and Davis and Hamner is assigned to the same company that is the assignee of Davis. If there was such a need for mild hydroprocessing in either or both of Moore and Davis, there should be some acknowledgement in some form in at least one of these three references. The proper conclusion is that a person having ordinary skill in the in the art would not have necessarily been taught by these references to create Applicant's invention and the claims should be allowed.

Wittenbrink (US 5,888,376) and WO 01/59034

While other claims include limitations in which the Examiner called upon Wittenbrink and the WO reference, those claims now include the subject matter of Claim 9. Without the teaching of that subject matter in combination with the remaining limitations of the broad claims,

argument about these references Neither Wittenbrink nor the WO reference teach anything that relates to the prior mild hydrotreating of the synthesized hydrocarbon product prior to fractionation and neither should alter or limit the patentability of the claims in their current presentation.

Conclusion

Entry of the amendments is respectfully requested. Applicant believes the current amendment is now in compliance with proper Patent and Trademark Office practice. Applicant further submits that no new matter was introduced by way of amendment to the claims, and that the amendment does not raise new issues that would require further consideration and/or search.

Applicants want to thank the Examiner for graciously acknowledging the patentability of Claims 8 and 13. Applicants believe that the remaining pending claims are free of the prior art and are in condition for allowance. Entry of the amendments and allowance of all pending claims is respectfully requested. In the event that an extension of time is necessary in order for this submission to be considered timely filed, please consider this a Request for Extension of Time, and the Commissioner is authorized to charge the fee to Deposit Account 16-1575 of ConocoPhillips Company. If the Examiner believes that a telephonic interview would be beneficial, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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